

UNITED STATES DISTRICT COURT
for the Southern District of New York

Plaintiff(s),
Kyle Seneear

-V-

C.O. Mininni
C.O. Brogan
C.O. John Doe

Complaint Under the
Civil Rights Act
42 U.S.C. § 1983
Jury Trial Requested ✓

I. Parties in the complaint:

A. Plaintiff Kyle Seneear

B. Defendant's

No. 1 Mininni, Correction officer

No. 2 Brogan, Correction officer

No. 3 John Doe, Correction officer

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Defendant's No. 1-3 Address is "currently"
Green Haven Correctional Fac. 594 Route 216
Stormville New York 12582 (Cattchess county)

II. Injuries: 8th amendment, Failure to protect & Cruel & unusual punishment, headaches, head trauma which required "staples to the head & of them" negligence under state tort law.

Plaintiff Kyle Senear Dcn#17B3614 brings this action pro se, as and for his complaint, upon knowledge as to himself and his actions and upon information and belief as to all other matters, alleged as follows:

NATURE OF ACTION

1. This is a civil rights action in which plaintiff Kyle Senear alleges that several New York state Department of Corrections officers (DOCS) officers violated plaintiff's rights under 42 U.S.C. § 1983 and the eighth amendment to the United States Constitution by failing to protect him from an inmate assault.

III STATEMENT OF FACTS

2. At approx. 4:32 pm on August, 9, 2021 at Green Haven Corr. Fac., J block 1 gallery

3. My cell opened for dinner & when I came out and locked my cell, then I noticed a prisoner who I previously had an altercation with in Feb. of 2021 which I was issued a misbehavior report for fighting.

4. After noticing the prisoner who's name is moyse, I informed officer John Doe ~~to~~ to open my cell I don't want to go to chow anymore he told me "he wasn't going to do that"

5. I then informed officer Mininni who was standing beside officer John Doe that I had previously been in a fight with prisoner Moyse, and that Moyse had been the aggressor in the previous altercation, officer Mininni told me "just go to chow!" officer John Doe then stated "stop being a bitch & go eat your food" "This is a direct order". they both laughed, officer Mininni then walked off.
6. As I turned from them inmate Moyse rushed me and attacked me with a small handled broom, he hit me several times, he hit me several times, officer's ~~Bryan~~ John Doe who was still nearby just stood there and watched.
7. After about several minutes Bryan & Mininni responded & gave the inmate a direct order to stop in which he eventually complied.
8. Shortly after the incident I was issued a misbehavior report by officer John Doe whose name is written sloppy on the report, Mininni endorsed the report.
9. As a result of this incident I had ~~had~~ to get staples in my head.

IV I attempted to exhaust my remedies on multiple occasions none of my grievances were answered or filed. I even tried to appeal the unanswered grievances to the superintendent, he never responded.

V. Relief requested by plaintiff

Plaintiff respectfully request a judgement against defendants jointly and severally, as follows:

In favor of plaintiff for \$200,000 in Compensatory damages; (for each cause of action)

Awarding plaintiff Punitive damages of \$85,000 against each defendant severally.

Awarding plaintiff attorney fees; & further relief as this court may deem just, proper and equitable.

Verification

I have read the foregoing complaint and hereby verify that the matters therein are true, except to matters alleged on information and belief, and as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Marcy, New York on Dec. 22
2021


signature


print

MID-STATE CORRECTIONAL FACILITY

P.O. BOX 2500
MARCY, NEW YORK 13403

NAME: *Hyatt R. Rana* DIN: 17B3614

Mid - State



Correctional Facility

Legal mail

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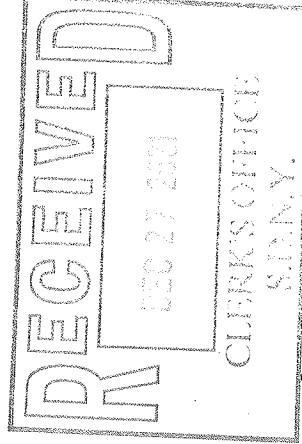


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Southern District of New York
U.S. Court House
500 Pearl Street
New York, N.Y. 10007*

Pro Se



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